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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,859	10/03/2003	In-Soon Son	0104-P0003A	2448

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EXAMINER

NGUYEN, TUAN VAN

ART UNIT	PAPER NUMBER
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3731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No. 10/678,859	Applicant(s) SON, IN-SOON	
Examiner Tuan V. Nguyen	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) 4-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Restriction Requirement

1. According to the Response to Restriction Requirement applicant filed on February 13, 2007, applicant elected Species 1 of Figures 1a, 2, 3a and 4 and claims 1-3. Claims 4-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention

Specification

2. The specification is objected to for the following reason: reference number 6a is not described in the specification.

Claim Objection

3. Claim 1 is objected to of the following informalities: claim 1, line 6, recites limitation "at the central portion thereof" is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lasvignes (U.S. 5,423,853).**
6. Referring to claim 1, Lasvignes discloses (see Figs.1 and 2) a pain relief clip, that capable to perform as a medical controller for segmental spinal cord reflex points as claimed by the applicant, comprising: a hinge part, a spring that is integrally formed with the hinge part, a pair of finger grip parts 1, 2 wherein the finger grip part 1 includes pumps.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasvignes (U.S. 5,423,853) in view of Lew (U.S. 5,448,777).**
10. Referring to claims 1-3, Lasvignes discloses (see Figs. 1 and 2) a pain relief clip, that capable to perform as a medical controller for segmental spinal cord reflex points as claimed by the applicant, comprising: a hinge part, a spring that is integrally formed with the hinge part, a pair of finger grip parts 1, 2 wherein the finger grip part 1 includes pumps (see entire reference). Lasvignes discloses the invention substantially as claimed except for the protrusion part being made of metal such as alloy and the protrusion part has a specific dimension.
11. Still referring to claims 1-3, however, Lew discloses (see Figs. 1-4a) pressure pad 54, 78 and 112 made of aluminum, magnetic material or stainless steel (see col. 5, lines 63-68) for stimulate the reflex point on a person hand and fingers, wherein the pressure pad 54, 78, 112 has plurality of protrusions and entire height of about 0.41 cm ($0.15 + 0.16 + 0.1 = 0.41$) or 4.1 mm (see col. 3, lines 60-65 and col. 4, lines 40-50). Lew further discloses the protrusions on the pressure pad having a concavo-convex surface (see Figs. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made by the applicant to incorporate the pressure pad 78, as disclosed by Lew, to incorporate into the end plate 1 of the Lasvignes's device, in order to gain the advantage of having a interchangeable end plate that having different size of pressure pad to apply to a specific finger to treat a specific condition as suggested by Lew (see col. 2, line 50 to col. 3, line 2). Furthermore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made design the protrusion pad with the height in a range between 2 mm and 7 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Nguyen whose telephone number is 571-272-5962. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AnhTuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan V. Nguyen
April 11, 2007


ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER
